

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BERNARD RAY RICHARDSON

,  
Plaintiff,

Civil Action No. 7:16-cv-00329

v.

MEMORANDUM OPINION

NURSE N. STANFORD, *et al*,

By: Elizabeth K. Dillon  
United States District Judge

Defendants.

Bernard R. Richardson, proceeding *pro se*, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, while incarcerated. Richardson was released and twice notified the court of his address following release. (Dkt. Nos. 12, 16.) By its order entered November 10, 2016, the court advised plaintiff that a failure to maintain an address of record “shall result in the immediate dismissal of this action without prejudice.” The court’s mail to plaintiff has been returned as undeliverable as of April 17, 2017, and plaintiff has not contacted the court since March 8, 2017.

Plaintiff has failed to comply with the court’s order requiring plaintiff to maintain an address of record. Therefore, the court finds that plaintiff failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b), by not complying with the court’s order. Accordingly, this action is DISMISSED without prejudice and all pending motions are DENIED as moot. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating *pro se* litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

The Clerk is directed to send copies of this memorandum opinion and the accompanying

order to the parties.

Entered: July 12, 2017.

*/s/ Elizabeth K. Dillon*

Elizabeth K. Dillon  
United States District Judge